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★ FEB 09 2022 ★

LONG ISLAND OFFICE

JJD:JW
F. #2021R01080

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

BILLY AYALA-PINEDA,
also known as "Berdugo,"
WILIAN ESTIVEN SANCHEZ-PEREZ,
also known as "Maniako,"
ONAN GARCIA-LOPEZ,
also known as "Demente,"
ANANDER HENRIQUEZ-AVILA,
also known as "Cara Papa" and "El Papa,"
ALLAN LOPEZ-VILLEDA,
also known as "Serio,"
DAVID ALBERTO ORANTEZ-GONZALEZ,
also known as "Carlos Rodriguez Gonzalez"
and "Casper,"
CARLOS RAMIREZ-PORTILLO,
also known as "Chino" and "Siniestro,"
JOSE SARMIENTO-VALERIANO,
also known as "David,"
CARLOS TORRES-ALFARO,
also known as "Solitario,"
HENRY VASQUEZ-PADILLA,
also known as "Trece," and
RIGEL YOHARIO VELASQUEZ-MANCIA,
also known as "E,"

Defendants.

----- X

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 21-635 (S-1)(JMA)
(T. 18, U.S.C., §§ 1959(a)(1), 1959(a)(5),
1962(d), 1963, 924(c)(1)(A)(i), 2 and 3551 et
seq.; T. 21, U.S.C., §§ 841(b)(1)(C),
841(b)(1)(D) and 846)

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Superseding Indictment, unless otherwise indicated:

The Enterprise

1. La Mara Salvatrucha (hereinafter “MS-13” or the “Enterprise”) was a transnational criminal organization with members located throughout Long Island, New York, Queens, New York, the Eastern District of New York, El Salvador, Mexico, and elsewhere in the United States and the world. MS-13 had tens of thousands of members worldwide. Members and associates of the MS-13 have engaged in acts of violence, including murder, attempted murder, robbery, and assault, as well as other criminal activity, including narcotics trafficking, witness tampering, and witness retaliation.

2. The defendants BILLY AYALA-PINEDA, also known as “Berdugo,” WILIAN ESTIVEN SANCHEZ-PEREZ, also known as “Maniako,” ONAN GARCIA-LOPEZ, also known as “Demente,” ANANDER HENRIQUEZ-AVILA, also known as “Cara Papa” and “El Papa,” ALLAN LOPEZ-VILLEDA, also known as “Serio,” DAVID ALBERTO ORANTEZ-GONZALEZ, also known as “Carlos Rodriguez-Gonzalez” and “Casper,” CARLOS RAMIREZ-PORTILLO, also known as “Chino” and “Siniestro,” JOSE SARMIENTO-VALERIANO, also known as “David,” CARLOS TORRES-ALFARO, also known as “Solitario,” HENRY VASQUEZ-PADILLA, also known as “Trece,” RIGEL YOHARIO VELASQUEZ-MANCIA, also known as “E,” and others known and unknown, were members and associates of MS-13, and engaged in, among other activities, acts and threats involving murder, robbery, narcotics trafficking, witness tampering, and obstruction of justice. The Enterprise operated throughout

North and Central America, including in El Salvador, Honduras, Guatemala, Mexico, New York, Texas, and California.

3. The MS-13, including its leadership, membership, and associates, constituted an “enterprise” as defined by Title 18, United States Code, Sections 1961(4) and 1959(b)(2), that is, a group of individuals associated in fact that constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise, and the Enterprise was engaged in, and its activities affected, interstate and foreign commerce. The defendants BILLY AYALA-PINEDA, also known as “Berdugo,” WILIAN ESTIVEN SANCHEZ-PEREZ, also known as “Maniako,” ONAN GARCIA-LOPEZ, also known as “Demente,” ANANDER HENRIQUEZ-AVILA, also known as “Cara Papa” and “El Papa,” ALLAN LOPEZ-VILLEDA, also known as “Serio,” DAVID ALBERTO ORANTEZ-GONZALEZ, also known as “Carlos Rodriguez-Gonzalez” and “Casper,” CARLOS RAMIREZ-PORTILLO, also known as “Chino” and “Siniestro,” JOSE SARMIENTO-VALERIANO, also known as “David,” CARLOS TORRES-ALFARO, also known as “Solitario,” HENRY VASQUEZ-PADILLA, also known as “Trece,” and RIGEL YOHARIO VELASQUEZ-MANCIA, also known as “E,” and participated in unlawful and other activities in furtherance of the conduct of the Enterprise’s affairs.

4. Members and associates of the Enterprise distributed cocaine, oxycodone, and marijuana in furtherance of the Enterprise. Certain members and associates of the Enterprise committed and agreed, attempted, and threatened to commit acts of violence in furtherance of the Enterprise. These acts of violence included acts involving murder and assault intended to protect the Enterprise’s drug territory, enforce discipline amongst members of the Enterprise, to retaliate

against members of rival gangs, and to otherwise promote the standing and reputation of the Enterprise.

5. MS-13 was organized into groups known as “cliques” that held regular meetings to coordinate gang activities. Each clique was run by a senior leader, who was designated the “Primera Palabra,” or “First Word,” and, in some cases, a second-in-command, who was designated the “Segunda Palabra” or “Second Word.” The other members and associates of the clique took their orders from the First Word or Second Word. The leaders of the respective cliques attended larger general meetings to manage gang operations on a regional and international level. Some cliques had members in multiple countries, including in both the United States and El Salvador or other Central American countries. MS-13 cliques were organized together under umbrella groups, called “Programs.” Cliques within a Program were responsible for assisting one another with firearms, drug trafficking connections, territorial disputes with rival gangs, and providing safe havens for members who were wanted by law enforcement. Programs were supervised and directed by Program leaders based in El Salvador, commonly referred to as “*Corredors*.” These Programs included control of cliques located in the United States. One of the MS-13 Programs operating in the United States is the Los Angeles Program (or “LA Program”), which has members and leaders in California, New York, Virginia, and Maryland, among other places.

6. The defendant BILLY AYALA-PINEDA, also known as “Berdugo,” was the highest-ranking member (or “First Word”) of the Surenos Locos Salvatruchas (“SLS”) clique operating in Queens and Long Island, New York, and a leader of the LA Program. AYALA-PINEDA directed the SLS clique’s drug trafficking activity, acts of violence committed against rival gang members and against members and associates of the gang who AYALA-PINEDA

deemed to have been disloyal to the gang, and the SLS clique's acquisition of firearms. The defendants WILIAN ESTIVEN SANCHEZ-PEREZ, also known as "Maniako," ONAN GARCIA-LOPEZ, also known as "Demente," ANANDER HENRIQUEZ-AVILA, also known as "Cara Papa" and "El Papa," ALLAN LOPEZ-VILLEDA, also known as "Serio," DAVID ALBERTO ORANTEZ-GONZALEZ, also known as "Carlos Rodriguez-Gonzalez" and "Casper," CARLOS RAMIREZ-PORTILLO, also known as "Chino" and "Sinistro," JOSE SARMIENTO-VALERIANO, also known as "David," CARLOS TORRES-ALFARO, also known as "Solitario," HENRY VASQUEZ-PADILLA, also known as "Trece," and RIGEL YOHARIO VELASQUEZ-MANCIA, also known as "E," were members and associates of the Enterprise and involved in trafficking narcotics and committing acts of violence in furtherance of the gang's objectives.

Purposes of the Enterprise

7. The purposes of the Enterprise included the following:
 - a. preserving and protecting the power, territory, reputation, and profits of the Enterprise and its members and associates through acts and threats involving murder;
 - b. keeping victims, potential victims, and community members in fear of the Enterprise through acts and threats of violence;
 - c. providing financial support and information to members and associates of the Enterprise, including those who are incarcerated in the United States, El Salvador, Honduras, Mexico, and Guatemala;
 - d. providing assistance to members and associates who committed crimes for and on behalf of the Enterprise;
 - e. enriching the members and associates of the Enterprise through, among other things, the distribution and sale of narcotics and money laundering;

f. promoting and enhancing the Enterprise and the activities of its members and associates; and

g. protecting the Enterprise and its members and associates from detection and prosecution by law enforcement authorities through acts of intimidation and violence against potential witnesses to crimes committed by members of the Enterprise.

Means and Methods of the Enterprise

8. Among the means and methods employed by the members and associates in conducting and participating in the conduct of the affairs of the Enterprise were the following:

a. Members and associates of the Enterprise committed and conspired, attempted, and threatened to commit, acts of violence, including acts involving murder, robbery, and assault, to protect and expand the Enterprise's criminal operations, and to retaliate against rival gangs.

b. Members and associates of the Enterprise distributed narcotics, including cocaine, oxycodone, and marijuana.

c. Members and associates of the Enterprise obtained, possessed, and used firearms.

d. Members and associates of the Enterprise committed acts of intimidation and made threats as a means of deterring and punishing potential witnesses to their crimes and in connection with protecting the Enterprise and its members and associates from detection and prosecution by law enforcement authorities.

COUNT ONE
(Racketeering Conspiracy)

9. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

10. In or about and between 2019 and the date of this Superseding Indictment, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants BILLY AYALA-PINEDA, also known as “Berdugo,” WILIAN ESTIVEN SANCHEZ-PEREZ, also known as “Maniako,” ONAN GARCIA-LOPEZ, also known as “Demente,” ANANDER HENRIQUEZ-AVILA, also known as “Cara Papa” and “El Papa,” ALLAN LOPEZ-VILLEDA, also known as “Serio,” DAVID ALBERTO ORANTEZ-GONZALEZ, also known as “Carlos Rodriguez-Gonzalez” and “Casper,” CARLOS RAMIREZ-PORTILLO, also known as “Chino” and “Siniestro,” JOSE SARMIENTO-VALERIANO, also known as “David,” CARLOS TORRES-ALFARO, also known as “Solitario,” HENRY VASQUEZ-PADILLA, also known as “Trece,” and RIGEL YOHARIO VELASQUEZ-MANCIA, also known as “E,” together with others, being persons employed by and associated with the Enterprise, which was engaged in, and the activities of which affected, interstate and foreign commerce, did knowingly and intentionally conspire to violate 18 U.S.C. § 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that Enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5).

11. The pattern of racketeering activity through which the defendants BILLY AYALA-PINEDA, also known as “Berdugo,” WILIAN ESTIVEN SANCHEZ-PEREZ, also known as “Maniako,” ONAN GARCIA-LOPEZ, also known as “Demente,” ANANDER HENRIQUEZ-AVILA, also known as “Cara Papa” and “El Papa,” ALLAN LOPEZ-VILLEDA,

also known as “Serio,” DAVID ALBERTO ORANTEZ-GONZALEZ, also known as “Carlos Rodriguez-Gonzalez” and “Casper,” CARLOS RAMIREZ-PORTILLO, also known as “Chino” and “Siniestro,” JOSE SARMIENTO-VALERIANO, also known as “David,” CARLOS TORRES-ALFARO, also known as “Solitario,” HENRY VASQUEZ-PADILLA, also known as “Trece,” and RIGEL YOHARIO VELASQUEZ-MANCIA, also known as “E,” together with others, agreed to conduct and participate, directly and indirectly, in the conduct of the affairs of the Enterprise consisted of:

- a. multiple acts involving:
 - i. murder, chargeable under the following provisions of state law: New York Penal Law Sections 125.25(1) (murder), 110.00 (attempt), 105.10 (conspiracy), and 20.00 (aiding and abetting); and
 - ii. robbery, chargeable under the following provisions of state law: New York Penal Law Sections 160.00, 160.05, 160.10, 160.15 (robbery), 105.10 (conspiracy), 110.00 (attempt), and 20.00 (aiding and abetting); Massachusetts General Law Chapter 265, Sections 17 (robbery) and 7 (conspiracy).
- b. multiple acts indictable under:
 - i. 18 U.S.C. § 1512, tampering with a witness, victim, or an informant; and
 - ii. 18 U.S.C. § 1513, retaliating against a witness, victim, or an informant.
- c. Multiple offenses involving the distribution of controlled substances, in violation of 21 U.S.C. §§ 841 and 846.

It was part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

(Title 18, United States Code, Sections 1962(d), 1963 and 3551 et seq.)

COUNT TWO
(Conspiracy to Murder Nazareth Claire)

12. The allegations contained in paragraphs one through eight are realleged and incorporated as if fully set forth in this paragraph.

13. At all times relevant to this Superseding Indictment, the above-described Enterprise, MS-13, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts involving murder and robbery chargeable under the laws of New York, and robbery chargeable under the laws of Massachusetts; acts indictable under Title 18, United States Code, Sections 1512 and 1513; and offenses involving trafficking in controlled substances in violation of Title 21, United States Code, Sections 841 and 846.

14. In or about April 2021, within the Eastern District of New York and elsewhere, the defendants ANANDER HENRIQUEZ-AVILA, also known as “Cara Papa” and “El Papa,” ALLAN LOPEZ-VILLEDA, also known as “Serio,” JOSE SARMIENTO-VALERIANO, also known as “David,” and RIGEL YOHARIO VELASQUEZ-MANCIA, also known as “E,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the MS-13, an enterprise engaged in racketeering activity, did knowingly and intentionally conspire to murder Nazareth Claire, in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5) and 3551 et seq.)

COUNT THREE
(Murder in Aid of Racketeering)

15. The allegations contained in paragraphs one through eight and thirteen are realleged and incorporated as if fully set forth in this paragraph.

16. On or about April 11, 2021, within the Eastern District of New York, the defendants ANANDER HENRIQUEZ-AVILA, also known as “Cara Papa” and “El Papa,” ALLAN LOPEZ-VILLEDA, also known as “Serio,” JOSE SARMIENTO-VALERIANO, also known as “David,” and RIGEL YOHARIO VELASQUEZ-MANCIA, also known as “E,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in the MS-13, an enterprise engaged in racketeering activity, did knowingly and intentionally murder Nazareth Claire, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

(Title 18, United States Code, Sections 1959(a)(1), 2 and 3551 et seq.)

COUNT FOUR
(Conspiracy to Distribute Cocaine, Cocaine Base, Oxycodone, and Marijuana)

17. In or about and between January 2019 and the date of this Superseding Indictment, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants BILLY AYALA-PINEDA, also known as “Berdugo,” WILIAN ESTIVEN SANCHEZ-PEREZ, also known as “Maniako,” ONAN GARCIA-LOPEZ, also known as “Demente,” ANANDER HENRIQUEZ-AVILA, also known as “Cara Papa” and “El Papa,” ALLAN LOPEZ-VILLEDA, also known as “Serio,” DAVID ALBERTO ORANTEZ-GONZALEZ, also known as “Carlos Rodriguez-Gonzalez” and “Casper,” CARLOS RAMIREZ-PORTILLO, also known as “Chino” and “Siniestro,” JOSE SARMIENTO-VALERIANO, also known as “David,” CARLOS TORRES-ALFARO, also known as “Solitario,” HENRY

VASQUEZ-PADILLA, also known as “Trece,” and RIGEL YOHARIO VELASQUEZ-MANCIA, also known as “E,” together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved: (a) a substance containing cocaine, a Schedule II controlled substance; (b) a substance containing cocaine base, a Schedule II controlled substance; (c) a substance containing oxycodone, a Schedule II controlled substance; and (d) a substance containing marijuana, a Schedule I controlled substance, for remuneration, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846, 841(b)(1)(C) and 841(b)(1)(D); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIVE
(Unlawful Use of Firearms)

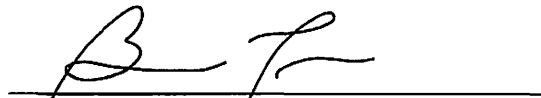
18. In or about and between 2019 and the date of this Superseding Indictment, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants BILLY AYALA-PINEDA, also known as “Berdugo,” WILIAN ESTIVEN SANCHEZ-PEREZ, also known as “Maniako,” ONAN GARCIA-LOPEZ, also known as “Demente,” ANANDER HENRIQUEZ-AVILA, also known as “Cara Papa” and “El Papa,” ALLAN LOPEZ-VILLEDA, also known as “Serio,” DAVID ALBERTO ORANTEZ-GONZALEZ, also known as “Carlos Rodriguez-Gonzalez” and “Casper,” CARLOS RAMIREZ-PORTILLO, also known as “Chino” and “Siniestro,” JOSE SARMIENTO-VALERIANO, also known as “David,” CARLOS TORRES-ALFARO, also known as “Solitario,” HENRY VASQUEZ-PADILLA, also known as “Trece,” and RIGEL YOHARIO VELASQUEZ-MANCIA, also known as “E,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a drug trafficking crime, to wit: the crime

charged in Count Four, and did knowingly and intentionally possess said firearms in furtherance of such drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 2 and 3551 et seq.)

A TRUE BILL


FOREPERSON


BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F #: 2021R01080
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

BILLY AYALA-PINEDA,
also known as "Berdugo,"
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also known as "Solitario,"
HENRY VASQUEZ-PADILLA, and
also known as "Trece,"
RIGEL YOHARIO VELASQUEZ-MANCIA,
also known as "E,"

Defendants.

SUPERSEDING INDICTMENT

(T. 18, U.S.C., §§ 1959(a)(1), 1959(a)(5), 1962(d), 1963, 924(c)(1)(A)(i), 2 and 3551 et seq.;
T. 21, U.S.C., §§ 841(b)(1)(C), 841(b)(1)(D) and 846)

A true bill.


Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

John J. Durham, Assistant U.S. Attorney (631) 715-7851